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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/625,700

07/24/2003

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EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

06/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/625,700 | Applicant(s) TAGUCHI ET AL. | |
| | Examiner NICHOLAS AUGUSTINE | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12 and 15-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 05/06/2008. This action is made **Final**.
- B. Claims 1-3, 5-12 and 15-25 remain pending.
- C. 35 U.S.C. 103 rejection presented in Final Rejection mailed 02/06/2008 is withdrawn.

Note: The 35 USC 103 rejection mailed in the final office action (02/06/2008) is withdrawn and after careful reconsideration of the prior art made of record and relied upon in the single reference 35 USC 103 rejection (used to further supplement the previous 35 USC 102(e) rejection) it is believed that the reference can stand as a 35 USC 102(e) as the Examiner believes that Girgensohn discloses each and every limitation of the immediate application. Please note the new analysis of these claims which will show how Girgensohn teaches various limitations argued by the Applicant in the previous response by Applicant without being obvious to one of ordinary skill in the art.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-12 and 15-25 rejected under 35 U.S.C. 102(e) as being anticipated by Girgensohn et al. (US 7,149,974 B2). Herein referred to as Girgensohn.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As for independent claim 1, Girgensohn teaches an image processing system for correlating still picture data with video data, comprising: a video display section for reproducing and displaying the video data on a screen (col.3, line 44); a picture display section for reproducing and displaying plural pieces of still picture data on the screen (figure 1), wherein the plural pieces of still picture data is extracted from the video data and displayed in different sizes (figure 4 and col.4, line 49 “reduced representations”); and a correlation section for, upon the instruction entered by the user during the reproduction of the video data, correlating the designated still picture data with a reproduction time position in the video data (col.3, lines 17-25; col.6, lines 4-17 and col.7, lines 10-18). Girgensohn further teaches a designation section for accepting, during the reproduction of the video data, an instruction from a user to designate one of the plural pieces of still picture data displayed on the screen (col.3, lines 39-40; the user is in control of the presentation, in such that the user manipulates the display as the user sees fit. Girgensohn also goes

further by explaining the use of still picture data to be used to represent video clips and that the still picture data is defined as "keyframes", in such that keyframes are selected from the video clips or composites to be representative of the object (video clip). Girgensohn provides a few examples of how the keyframes are selected: "keyframes are selected according to a variety of criteria. In an embodiment, a keyframe is selected from each video clip or composite. In an alternate embodiment, keyframes are selected from the first and last video clips in the sequence." (col.6, lines 18-32) Given the multiple choices of how keyframes are chosen and the fact that the user is a great influence over the final presentation of the system (user interaction determines how the system functions) and the fact that Girgensohn states "Any of numerous methods may be used to select an individual keyframe from a video clip" (col.6, lines 30-32)).

As for independent claim 2, Girgensohn teaches an image processing system for correlating still picture data with video data, comprising: a registered client (col.3, line 17; of course those skilled in the art would recognize that a registered client could be numerous things, such things as a user logged into a personal computer, which is disclosed and reasonably interrupted), including a video display section for reproducing and displaying the video data on a screen, a picture display section for reproducing and displaying plural pieces of still picture data on the screen (figure 1), wherein the plural pieces of still picture data are extracted from the video data and displayed in different sizes, a designation section for accepting, during the reproduction of the video data, an instruction from a user to designate one of the plural pieces of still picture data displayed on the screen, and a correlation section for, upon the instruction entered by the user during the reproduction of the video data, correlating the designated one of the plural pieces of still picture data with a reproduction time position in the video data (col.3, lines 17-25; col.6, lines 4-17 and col.7, lines 10-18).; and a distribution server for holding the video data and the designated one of the plural pieces of still picture data that are correlated with each other, and in accordance with a request from a browsing client, providing the video data and the designated one of the plural pieces of still picture data (col.4, lines 2-6). Girgensohn further teaches a designation section for

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accepting, during the reproduction of the video data, an instruction from a user to designate one of the plural pieces of still picture data displayed on the screen (col.3, lines 39-40; the user is in control of the presentation, in such that the user manipulates the display as the user sees fit. Girgensohn also goes further by explaining the use of still picture data to be used to represent video clips and that the still picture data is defined as "keyframes", in such that keyframes are selected from the video clips or composites to be representative of the object (video clip). Girgensohn provides a few examples of how the keyframes are selected: "keyframes are selected according to a variety of criteria. In an embodiment, a keyframe is selected from each video clip or composite. In an alternate embodiment, keyframes are selected from the first and last video clips in the sequence." (col.6, lines 18-32) Given the multiple choices of how keyframes are chosen and the fact that the user is a great influence over the final presentation of the system (user interaction determines how the system functions) and the fact that Girgensohn states "Any of numerous methods may be used to select an individual keyframe from a video clip" (col.6, lines 30-32)).

As for dependent claim 3, Girgensohn teaches an image processing system according to claim 2, wherein the distribution server distributes, to the browsing client, correlation data for video data and still picture data, and provides the still picture data requested by the browsing client (col.4, lines 7-14).

As for independent claim 5, Girgensohn teaches an image processing method for correlating still picture data with video data, comprising: reproducing and displaying the video data on a screen; and reproducing and displaying plural pieces of still picture data on the screen (figure 1), wherein the plural

pieces of still picture data are extracted from the video data and displayed in different sizes (note the analysis of claims 1 and 4 above); and in accordance with an instruction entered by a user during the reproduction of the video data to designate one of the plural pieces of displayed still picture data, correlating the designated still picture data with a reproduction time position in the video data (col.4, lines 30-49). Girgensohn further teaches a designation section for accepting, during the reproduction of the video data, an instruction from a user to designate one of the plural pieces of still picture data displayed on the screen (col.3, lines 39-40; the user is in control of the presentation, in such that the user manipulates the display as the user sees fit. Girgensohn also goes further by explaining the use of still picture data to be used to represent video clips and that the still picture data is defined as "keyframes", in such that keyframes are selected from the video clips or composites to be representative of the object (video clip). Girgensohn provides a few examples of how the keyframes are selected: "keyframes are selected according to a variety of criteria. In an embodiment, a keyframe is selected from each video clip or composite. In an alternate embodiment, keyframes are selected from the first and last video clips in the sequence." (col.6, lines 18-32) Given the multiple choices of how keyframes are chosen and the fact that the user is a great influence over the final presentation of the system (user interaction determines how the system functions) and the fact that Girgensohn states "Any of numerous methods may be used to select an individual keyframe from a video clip" (col.6, lines 30-32)).

As for independent claim 6, Girgensohn teaches an image processing method for registering still picture data in correlation with video data to a distribution server that provides the video data and the still picture data upon reception of a request from a browsing client, the image processing method comprising: reproducing and displaying the video data on a screen; reproducing and displaying plural pieces of still picture data on the screen, wherein plural pieces of still picture data is extracted from the video data and displayed in different sizes; in accordance with an instruction entered by a user during reproduction of the video data to describing one of the plural pieces of displayed still picture data correlating the designated still picture data with a reproduction time position in the video data (col.3, lines 17-25; col.6, lines 4-17

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and col.7, lines 10-18).; and registering the video data and the still picture data together with correlation data to the distribution server (note the analysis of claims 1,2,4). Girgensohn further teaches a designation section for accepting, during the reproduction of the video data, an instruction from a user to designate one of the plural pieces of still picture data displayed on the screen (col.3, lines 39-40; the user is in control of the presentation, in such that the user manipulates the display as the user sees fit.

Girgensohn also goes further by explaining the use of still picture data to be used to represent video clips and that the still picture data is defined as "keyframes", in such that keyframes are selected from the video clips or composites to be representative of the object (video clip). Girgensohn provides a few examples of how the keyframes are selected: "keyframes are selected according to a variety of criteria. In an embodiment, a keyframe is selected from each video clip or composite. In an alternate embodiment, keyframes are selected from the first and last video clips in the sequence." (col.6, lines 18-32) Given the multiple choices of how keyframes are chosen and the fact that the user is a great influence over the final presentation of the system (user interaction determines how the system functions) and the fact that Girgensohn states "Any of numerous methods may be used to select an individual keyframe from a video clip" (col.6, lines 30-32)).

As for dependent claim 7, Girgensohn teaches the image processing method according to claim 6, wherein the correlation data is a program for requesting the distribution server predetermined still picture data in accordance with the reproduction time position in video data, in accordance with a request from a browsing client, the distribution server provides video data and the program for the browsing client, and the browsing client executes the program as the video data are reproduced, and requests the distribution server still picture data that are correlated with the reproduction time position (note the analysis of claim 2; wherein the use of a network to serve and store video composites, data files , etc).

As for independent claim 8, Girgensohn teaches a computer-readable recording medium that stores

a program that permits a computer to perform an image process for correlating still picture data with video data, the process comprising: displaying plural pieces of still picture data on a screen, wherein the still plural pieces of still picture data are extracted from the video data and displayed in different sizes; accepting an instruction from a user to designate one of the plural pieces of displayed picture data during reproduction of the video data, and in accordance with the instruction entered by the user during the reproduction of the video data to designate one of the plural pieces of displayed still picture data, correlating the designated still picture data with a reproduction time position in the video data (note the analysis of claims 1,2,4,5). Girgensohn further teaches a designation section for accepting, during the reproduction of the video data, an instruction from a user to designate one of the plural pieces of still picture data displayed on the screen (col.3, lines 39-40; the user is in control of the presentation, in such that the user manipulates the display as the user sees fit. Girgensohn also goes further by explaining the use of still picture data to be used to represent video clips and that the still picture data is defined as "keyframes", in such that keyframes are selected from the video clips or composites to be representative of the object (video clip). Girgensohn provides a few examples of how the keyframes are selected: "keyframes are selected according to a variety of criteria. In an embodiment, a keyframe is selected from each video clip or composite. In an alternate embodiment, keyframes are selected from the first and last video clips in the sequence." (col.6, lines 18-32) Given the multiple choices of how keyframes are chosen and the fact that the user is a great influence over the final presentation of the system (user interaction determines how the system functions) and the fact that Girgensohn states "Any of numerous methods may be used to select an individual keyframe from a video clip" (col.6, lines 30-32)).

As for dependent claim 9, Girgensohn teaches an image processing system according to claim 1, wherein the different sizes are based on the time length of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 10, Girgensohn teaches an image processing system according to claim 1, wherein the different sizes are based on the importance level of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 11, Girgensohn teaches an image processing system according to claim 2, wherein the different sizes are based on the time length of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 12, Girgensohn teaches an image processing system according to claim 2, wherein the different sizes are based on the importance level of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 15, Girgensohn teaches an image processing method according to claim 5, wherein the different sizes are based on the time length of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 16, Girgensohn teaches an image processing method according to claim 5, wherein the different sizes are based on the importance level of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 17, Girgensohn teaches an image processing method according to claim 6, wherein the different sizes are based on the time length of the corresponding section of the video data (col.2, lines 45-47).

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As for dependent claim 18, Girgensohn teaches an image processing method according to claim 6, wherein the different sizes are based on the importance level of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 19, Girgensohn teaches a recording medium according to claim 8, wherein the different sizes are based on the importance level of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claim 20, Girgensohn teaches a recording medium according to claim 8, wherein the different sizes are based on the time length of the corresponding section of the video data (col.2, lines 45-47).

As for dependent claims 21-25, Girgensohn teaches an image processing system and corresponding method and medium according to claims 1,2,5,6 and 8, further comprising a single interface screen that includes the video display section, the picture display section , the designation section, and the correlation section (note the analysis of claim 1 above).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 11/20/2007 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that Girgensohn does not teach newly added limitation presented in the claims filed 11/20/2007 as well as Girgensohn does not have a "correlation section".

R1. Examiner does not agree, Girgensohn teaches in col.3, lines 39-40; the user is in control of the presentation, in such that the user manipulates the display as the user sees fit. Girgensohn also goes further by explaining the use of still picture data to be used to represent video clips and that the still picture data is defined as "keyframes", in such that keyframes are selected from the video clips or composites to be representative of the object (video clip). Girgensohn provides a few examples of how the keyframes are selected: "keyframes are selected according to a variety of criteria. In an embodiment, a keyframe is selected from each video clip or composite. In an alternate embodiment, keyframes are selected from the first and last video clips in the sequence." (col.6, lines 18-32) Given the multiple choices of how keyframes are chosen and the fact that the user is a great influence over the final presentation of the system (user interaction determines how the system functions) and the fact that Girgensohn states "Any of numerous methods may be used to select an individual keyframe from a video clip" (col.6, lines 30-32)). Girgensohn also explains that these keyframes are

segments of video which present a X time into the video as known in the art of "keyframes" as such when the user selects a keyframe (which is represented by a still picture of video, as noted above) that the video is reproduced (played), thus providing a correlation section to which is described in the claim language, which is a section in the graphical user interface the correlates time position in a video, thus a keyframe represents a time position in a video.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
May 22, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179